

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CSABA V. FEKETE and GABRIELA
FEKETE,

Plaintiff,

vs.

3:14-CV-1545

J.P. MORGAN CHASE BANK,

Defendants.

Thomas J. McAvoy,
United States District Judge

DECISION & ORDER

This *pro se* civil rights action pursuant to 42 U.S.C. § 1983 was referred to the Hon. David E. Peebles, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

The Report-Recommendation, dated April 24, 2015, recommended that Plaintiffs' amended complaint be dismissed, and that Plaintiffs be granted one final opportunity to amend their complaint within thirty days of the issuance of an order approving that recommendation.

Plaintiffs filed timely objections to the Report-Recommendation, essentially raising the same arguments presented to the Magistrate Judge, except that they also argued that there exists a complete diversity between Plaintiffs (Hungarians) and Defendant (a U.S. corporation), and thus this court has diversity jurisdiction over Plaintiffs' claim against

Defendant. This allegation was not included in the Amended Complaint.

When objections to a magistrate judge's Report-Recommendation are lodged, the Court makes a "*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." See 28 U.S.C. § 636(b)(1). After such a review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions."

Id.

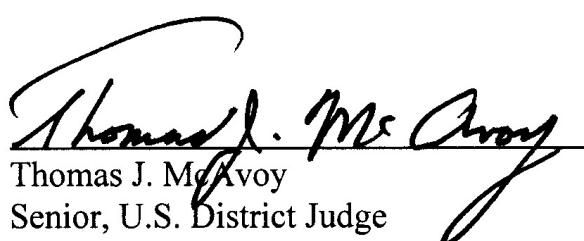
Having reviewed the record *de novo* and having considered the issues raised in the Plaintiffs' objections, this Court has determined to accept and adopt the recommendation of Magistrate Judge Peebles for the reasons stated in the Report-Recommendation. Plaintiffs' Amended Complaint does not contain allegations sufficient to establish diversity jurisdiction.

It is therefore

ORDERED that the complaint is **DISMISSED**, and Plaintiffs are **GRANTED LEAVE** to amend their complaint one last time in accordance with the Magistrate Judge's recommendations, within thirty days of the issuance of this order.

IT IS SO ORDERED.

Dated: May 28, 2015



Thomas J. McAvoy
Senior, U.S. District Judge